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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NATIONAL TPS ALLIANCE, MARIELA
GONZÁLEZ, FREDDY JOSE ARAPE RIVAS,
M.H., CECILIA DANIELA GONZÁLEZ
HERRERA, ALBA CECILIA PURICA
HERNÁNDEZ, E.R., HENDRINA VIVAS
CASTILLO, A.C.A., SHERIKA BLANC, VILES
DORSAINVIL, and G.S.,

Plaintiffs,

vs.

KRISTI NOEM, in her official capacity as
Secretary of Homeland Security, UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY, and UNITED STATES OF
AMERICA,

Defendants.

Case No. 3:25-cv-01766-EMC

**PLAINTIFFS' UNOPPOSED NOTICE OF
MOTION AND MOTION FOR LEAVE TO
FILE A SUPPLEMENTAL COMPLAINT
PURSUANT TO FED. R. CIV. P. 15(D)**

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INTRODUCTION

Plaintiffs respectfully move for leave to file a supplemental complaint pursuant to Rule 15(d) of the Federal Rules of Civil Procedure. The proposed First Amended and Supplemental Complaint is attached hereto as Exhibit A, which contains redlines reflecting changes over the operative pleading. Through the proposed supplemental complaint, Plaintiffs seek to add claims arising from the July 1, 2025 termination of Haiti's Temporary Protected Status ("TPS") designation by the Secretary of the Department of Homeland Security ("DHS"). The challenged termination is a post-pleading event that could not have been included in Plaintiffs' operative complaint. Plaintiffs have conferred with Defendants regarding this motion, described the proposed supplement to Defendants, and Defendants do not oppose Plaintiffs' request for leave to supplement. *See* MacLean Decl. Ex. 1.

BACKGROUND

Plaintiffs filed their First Amended Complaint on March 20, 2025, challenging the DHS Secretary's (i) February 3, 2025 vacatur of the January 17, 2025 Venezuela TPS extension, (ii) February 5, 2025 termination of the 2023 Venezuela redesignation, and (iii) February 24, 2025 partial vacatur of the July 1, 2024 Haiti TPS extension and redesignation. Plaintiffs allege violations of the Administrative Procedure Act and the Equal Protection Clause of the Fifth Amendment's Due Process Clause.

On July 1, 2025, Secretary Noem issued a new Federal Register notice ("Haiti Termination Notice") fully terminating Haiti's TPS designation, effective sixty days after publication, thereby eliminating humanitarian protection and employment authorization for approximately 350,000 Haitian TPS holders.

Plaintiffs now bring this unopposed motion for leave to file a supplemental complaint under Rule 15(d) to incorporate claims related to the July 1, 2025 Haiti Termination Notice so that all challenged agency actions toward Haitian and Venezuelan TPS holders can be adjudicated together.

LEGAL STANDARD

Under Federal Rule of Civil Procedure 15(d), "[o]n motion and reasonable notice, the court may, on just terms, permit a party to serve a supplemental pleading setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented." Granting

1 leave to supplement is favored as a “tool of judicial economy and convenience.” *Keith v. Volpe*, 858
 2 F.2d 467, 473 (9th Cir. 1988) (affirming the interests of judicial economy and the liberal
 3 interpretation of Rule 15(d) favor granting leave to supplemental complaint). Courts consider several
 4 factors in determining whether supplementation is appropriate: (1) judicial economy, (2) prejudice to
 5 the opposing party, (3) undue delay, (4) bad faith or dilatory motive, (5) repeated failure of previous
 6 amendments, and (5) futility of amendment. *Lyon v. U.S. Immigr. & Customs Enf’t*, 308 F.R.D. 203,
 7 214 (N.D. Cal. 2015).

8 **THE COURT SHOULD GRANT PLAINTIFFS’**
 9 **UNOPPOSED REQUEST TO SUPPLEMENT.**

10 The liberal policy in favor of allowing supplementation, as well as each of the pertinent
 11 factors, supports granting this unopposed motion for leave to file a supplemented complaint to
 12 include claims and allegations related to the recent termination of Haiti’s TPS designation.

13 Supplementation will promote judicial efficiency. It will allow the Court to adjudicate all
 14 challenges to DHS’s actions affecting Haitian TPS holders—including the July 1, 2025
 15 termination—in one proceeding, avoiding needless duplication, delay, and the risk of inconsistent
 16 rulings. Indeed, the July 1, 2025 termination decision is directly relevant and central to Plaintiffs’
 17 existing claims. Rather than add new legal theories, the supplemental allegations concern the same
 18 statutory provisions, decision-makers, and legal standards already at issue in this case.

19 There is no risk of prejudice to Defendants, who do not oppose this motion. Nor do the
 20 remaining factors—undue delay, bad faith or dilatory motive, repeated failure of previous
 21 amendments, and futility—weigh against supplementation. Plaintiffs have brought this motion
 22 promptly after publication of the Federal Register Notice terminating Haiti’s TPS designation. There
 23 is no bad faith or dilatory motive here. And no prior amendment has been denied, eliminating any
 24 concern about futility.

25 **CONCLUSION**

26 For the foregoing reasons, Plaintiffs respectfully request that the Court grant this unopposed
 27 Motion for Leave to File a Supplemental Complaint pursuant to Rule 15(d) and permit Plaintiffs to
 28 file the proposed First Amended and Supplemental Complaint reflected in Exhibit A.

1 Date: July 7, 2025

Respectfully submitted,

2 ACLU FOUNDATION
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4 /s/ Emilou MacLean

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15 *Attorneys for Plaintiffs*

CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2025, I caused the foregoing to be electronically filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

ACLU FOUNDATION
OF NORTHERN CALIFORNIA

/s/ Emilou MacLean
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